

LEGISLATURE OF THE STATE OF IDAHO  
Sixty-first Legislature First Regular Session - 2011

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 346

BY EDUCATION COMMITTEE

AN ACT

RELATING TO CHARTER SCHOOLS; AMENDING SECTION 33-5203, IDAHO CODE, TO REMOVE THE CAP ON THE NUMBER OF NEW PUBLIC CHARTER SCHOOLS THAT MAY BEGIN EDUCATIONAL INSTRUCTION IN ANY ONE SCHOOL YEAR AND TO MAKE TECHNICAL CORRECTIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-5203, Idaho Code, be, and the same is hereby amended to read as follows:

33-5203. AUTHORIZATION -- LIMITATIONS. (1) The creation of public charter schools is hereby authorized. Public charter schools shall be part of the state's program of public education.

(2) The number of new public charter schools which may begin educational instruction in any one (1) school year shall be limited in number in accordance with the following:

~~(a) Not more than six (6) new public charter schools may begin educational instruction in any one (1) school year, and~~

~~(b) Not more than one (1) new public charter school may begin educational instruction that is physically located within any one (1) school district in any one (1) school year, and;~~

~~(c) No whole school district may be converted to a charter district or any configuration which includes all schools as public charter schools, and;~~

~~(d) Public virtual charter schools approved by the public charter school commission are not included in paragraph (b) of this subsection, and;~~

~~(e) The transfer of a charter for a school already authorized pursuant to section 33-5205A, Idaho Code, is not included in the limit on the annual number of public charter schools approved to begin educational instruction in any given school year as set forth in paragraph (a) of this subsection, and~~

~~(f) A petition must be received by the initial authorized chartering entity no later than September 1 to be eligible to begin instruction the first complete school year following receipt of the petition, and~~

~~(g) To begin operations, a newly-chartered public school must be authorized by no later than January 1 of the previous school year.~~

(3) A public charter school may be formed either by creating a new public charter school, which charter may be approved by any authorized chartering entity, or by converting an existing traditional public school to a public charter school, which charter may only be approved by the board of trustees of the school district in which the existing public school is located.

(4) No charter shall be approved under this chapter:

1 (a) Which provides for the conversion of any existing private or  
2 parochial school to a public charter school.

3 (b) To a for-profit entity or any school which is operated by a for-  
4 profit entity, provided however, nothing herein shall prevent the board  
5 of directors of a public charter school from legally contracting with  
6 for-profit entities for the provision of products or services that aid  
7 in the operation of the school.

8 (c) By the board of trustees of a school district if the public charter  
9 school's physical location is outside the boundaries of the authoriz-  
10 ing school district. The limitation provided in this subsection (4) (c)  
11 does not apply to a home-based public virtual school.

12 (5) A public virtual school charter may be approved by the public char-  
13 ter school commission. In addition, a charter may also be approved by the  
14 state board of education pursuant to section 33-5207(5) (b), Idaho Code.

15 (6) The state board of education shall adopt rules, subject to law, to  
16 establish a consistent application and review process for the approval and  
17 maintenance of all public charter schools.

18 (7) The state board of education shall be responsible to designate  
19 those public charter schools that will be identified as a local education  
20 agency (LEA) as such term is defined in 34 CFR 300.428; however, only public  
21 charter schools chartered by the board of trustees of a school district may  
22 be included in that district's LEA.